



DEPARTMENT OF TRANSPORTATION
HAZARDOUS MATERIALS REGULATIONS BOARD
WASHINGTON, D.C. 20590

44989

[Docket No. HM-106; Amdt. No. 173-81]

PART 173—SHIPPERS

Fire Extinguishers

On May 15, 1974, the Hazardous Materials Regulations Board ("The Board") published Amendment No. 173-81 under Docket HM-106 (39 FR 17313). One portion of the amendment pertained to the construction of fire extinguishers under a provision for partial exemption from the regulations found in § 173.306(c). The amendment becomes effective on January 31, 1975.

Two petitions have been received by the Board, both containing requests that a one-year extension of effective date be granted to deplete existing stocks of rods, slugs, and partially completed fire extinguishers. The petitioners stated that a combined total of 709,882 pounds of aluminum in various stages of processing could not produce cylinders having a burst pressure of six times the charged pressure at 70° F., and would have to be scrapped in order to comply with the amended regulation. They also state they are presently shipping fire extinguishers that are manufactured in accordance with the regulations in effect at this time. The Board has carefully considered the petitions and has decided that a grant of additional time to achieve compliance with the burst pressure requirements is warranted. Also, the Board has reconsidered the amendment in its entirety and is making certain changes to clarify its application and to simplify the marking requirements.

Paragraph (c)(4) of the amendment is being revised to make it clear that the "six times burst" requirement does not apply to fire extinguishers manufactured before January 1, 1976.

Paragraph (c)(6) is being revised to remove the words "filled and shipped" since they are unnecessary to establish the Department's jurisdiction. The words "Meets DOT requirements" are being substituted for the words "This extinguisher meets all requirements of 49 CFR 173.306(c)" to simplify the marking requirements. Added is a sentence explaining the meaning of the revised marking when it is placed on a fire extinguisher by its manufacturer. Added also is a requirement that the year of original test be displayed on each fire extinguisher. This marking will establish whether an extinguisher was manufactured in accordance with the existing regulations or the amended regulations. For this reason, the Board has decided to grant an extension of the effective date of the burst pressure requirement

to January 1, 1976 rather than the full year requested by the petitioners. A note is being added to permit continued use of the markings prescribed in the original amendment until January 1, 1976.

In consideration of the foregoing, a portion of Amendment No. 173-81 in Docket No. HM-106 is revised as follows:

In § 173.306, paragraphs (c)(4) and (c)(6) are revised and a note is added following paragraph (c)(6) to read as follows:

§ 173.306 Exemptions from compliance with regulations for shipping compressed gas.

* * * * *

(c) * * *

(4) Each fire extinguisher manufactured on and after January 1, 1976, must be designed and fabricated with a burst pressure of not less than six times its charged pressure at 70° F. when shipped.

* * * * *

(6) Each fire extinguisher must be marked to indicate the year of its original test and "MEETS DOT REQUIREMENTS." This marking will be considered a certification that the fire extinguisher was manufactured in accordance with the requirements of this section.

NOTE: The words "This extinguisher meets all requirements of 49 CFR 173.306(c)" may be displayed in place of "MEETS DOT REQUIREMENTS" on extinguishers manufactured prior to January 1, 1976.

Amendment 173-81 in Docket No. HM-106, including the revisions contained herein, is effective on January 31, 1975. However immediate compliance is authorized.

AUTHORITY: Transportation of Explosives Act (18 U.S.C. 831-835) section 6 of the Department of Transportation Act (49 U.S.C. 1655) Title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h), and 1655(c)).

Issued in Washington, D.C. on December 20, 1974.

C. R. MELUGIN, JR.,
*Board Member, for the Federal
Aviation Administration.*

ROBERT A. KAYE,
*Board Member, for the Federal
Highway Administration.*

MAC. E. ROGERS,
*Board Member, for the Federal
Railroad Administration.*

W. M. BENKERT,
*Board Member, for the United
States Coast Guard.*

[FR Doc.74-30288 Filed 12-27-74;8:45 am]